

Staff

LEGISLATOR CLAIMS FOR REIMBURSEMENT OF INTERIM ACTIVITIES

Legislative Services Division

May 2007

The following provides information for legislators about payment of salary and reimbursement of expenses for interim activities. Legislators who have questions regarding this information should call the Financial & Human Resource Office, Legislative Services Division (Karen Berger at 444-3411 or Jennifer Simmons at 444-9542).

Generally, legislators should use the mode of travel that provides the lowest overall cost to the state. Lodging reservations should be made early to obtain state-rate rooms; a legislator should always request state employee rates when making reservations. If a legislator uses a commercial airline, reservations should be made early to obtain discounted rates, and costly schedule changes should be avoided.

Statutory Provisions

5-2-302. Compensation and expenses when legislature not in session. When the legislature is not in session, a member of the legislature, while engaged in legislative business with prior authorization of the appropriate funding authority, is entitled to:

- (1) a mileage allowance as provided in 2-18-503;
- (2) expenses as provided in 2-18-501 and 2-18-502; and
- (3) a salary equal to one full day's pay at the rate described in 5-2-301(1) for each 24-hour period of time (from midnight to midnight), or portion thereof, spent away from home on authorized legislative business. However, if time spent for business other than authorized legislative business results in lengthening a legislator's stay away from home into an additional 24-hour period, the legislator may not be compensated for the additional day.

Reimbursement Rates

In-state meals (receipts NOT required)	Breakfast \$5.00; Lunch \$6.00; Dinner \$12.00
Mileage (receipt NOT required)	\$.485/mile for first 1,000 miles each month; \$.455/mile thereafter
Lodging (receipt required)	\$67/day, plus applicable taxes, total \$71.69
Nonreceipted lodging (e.g., stay with friends or family)	\$12/day

Guidelines for Evaluating Reasonableness of Claims

These guidelines are used to determine if time spent away from home reasonably falls within the context of authorized legislative business:

- (1) Overnight lodging is reasonable when a legislator would be required to leave home earlier than 6:30 a.m. or arrive home later than 9:30 p.m. in order to have attended all of the meeting or have conducted all of the legislative business authorized. To compute whether this would be required, an average travel speed (overall including incidental stops) of 50 miles an hour is used.

(Over, please)

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- (2) A legislator is entitled to a day's salary when necessarily away from home for authorized legislative business. A member is considered necessarily away from home on the day of a meeting or other authorized legislative activity and on any other day when travel qualified under (1) above is required.
- (3) A meal falling within reasonable travel times may be claimed.

The following mitigating factors will be applied in interpreting the above guidelines:

- (1) The welfare of a legislator must be considered. Weather and health issues are key considerations.
- (2) If a member flies instead of drives, variations are considered.
- (3) At times, members may choose more expensive modes of travel because of schedule conflicts that would make it otherwise impossible to conduct authorized legislative business. These cases will be considered in establishing reasonableness.

Legislators Who Live in Helena

A legislator who lives in Helena and attends an interim committee meeting in Helena is not entitled to mileage or lodging reimbursement. However, the legislator is entitled to a midday meal allowance on the day of the meeting regardless of the proximity of the meeting place to the individual's residence. In addition, the legislator may claim salary in the same manner as all other legislators.

Submission of Claims

To receive payment of salary and reimbursement of expenses for interim legislative work, a legislator must complete and sign a Statement of Expense for Montana Legislators. Forms are available from committee secretaries and from the Financial & Human Resource Office, Legislative Services Division, Room 154 in the Capitol.

The legislator must return the claim to the committee secretary or to the Financial & Human Resource Office, Legislative Services Division, accompanied by original receipts as noted on the claim form. The legislator should clearly note the number of days of salary, lodging, and meals claimed. The claim should be completed and signed in ink. If special circumstances apply to the claim, those should be noted.

Claims will be processed as quickly as possible. The salary portion of the claim will be paid with the next biweekly state payroll cycle following receipt of form. Warrants for expenses, not including salary, will be issued within 3 working days of receipt of the claim **by the Financial & Human Resource Office**. This means that a legislator will usually receive two state warrants for each claim submitted, one for expenses and one for salary. Claim forms that are incomplete or that do not include required receipts may be returned to the legislator for completion. In these cases, the claims processing period may be extended.

Timely Submission of Claims

State policy requires that requests for reimbursement of travel costs be submitted within 3 months of incurring the expense or the right to reimbursement is waived. To comply with policy, the Legislative Branch cannot process payment if reimbursement requests are submitted outside the 3-month window.

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2-18-501. Meals, lodging, and transportation of persons in state service. All elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees must be reimbursed for meals and lodging while away from the person's designated headquarters and engaged in official state business in accordance with the following provisions:

(1) Except as provided under subsection (3), for travel within the state of Montana, lodging must be authorized at the actual cost of lodging, not exceeding \$35 per day, and taxes on the allowable cost of lodging, except as provided in subsection (3), plus \$5 for the morning meal, \$6 for the midday meal, and \$12 for the evening meal. All claims for lodging expense reimbursement allowed under this section must be documented by an appropriate receipt.

(2) Except as provided in subsection (3), for travel outside the state of Montana and within the United States, the following provisions apply:

(a) Lodging must be reimbursed at actual cost, not to exceed the prescribed maximum standard federal rate per day for the location involved plus taxes on the allowable cost.

(b) Meal reimbursement may not exceed the prescribed maximum standard federal rate per meal.

(3) The department shall designate the locations and circumstances under which the governor, other elected state officials, appointed members of boards, commissions, or councils, department directors, and all other state employees may be authorized the actual cost of lodging when the actual cost exceeds the maximum established in subsection (1) or (2)(a).

(4) For travel to a foreign country, the following provisions apply:

(a) All elected state officials, appointed members of boards, commissions, councils, department directors, and all other state employees must be reimbursed for the cost of meals and lodging within the rates established by the department of administration when traveling in the normal course of their duties to designated areas. The department shall use the United States department of state maximum travel per diem allowances for foreign areas in establishing the rates.

(b) All claims for lodging reimbursement allowed under this subsection (4) must be documented by an appropriate receipt.

(5) When other than commercial, nonreceiptable lodging facilities are used by a state official or employee while conducting official state business in a travel status, the amount of \$12 is authorized for lodging expenses for each day in which travel involves an overnight stay in lieu of the amount authorized in subsection (1)(a) or (2)(a). However, when overnight accommodations are provided at the expense of a government entity, reimbursement may not be claimed for lodging.

(6) The actual cost of reasonable transportation expenses and other necessary business expenses incurred by a state official or employee while in an official travel status is subject to reimbursement.

(7) The provisions of this section may not be construed as affecting the validity of 5-2-301.

(8) The department of administration shall establish policies necessary to effectively administer this section for state government.

(9) All commercial air travel must be by the least expensive class service available.

History: En. Sec. 2, Ch. 66, L. 1955; amd. Sec. 1, Ch. 207, L. 1957; amd. Sec. 1, Ch. 108, L. 1961; amd. Sec. 1, Ch. 116, L. 1963; amd. Sec. 1, Ch. 48, L. 1967; amd. Sec. 1, Ch. 273, L. 1969; amd. Sec. 1, Ch. 10, L. 1971; amd. Ch. 295, L. 1971; amd. Sec. 3, Ch. 495, L. 1973; amd. Sec. 22, Ch. 315, L. 1974; amd. Sec. 1, Ch. 439, L. 1975; amd. Sec. 1, Ch. 483, L. 1977; R.C.M. 1947, 59-538; amd. Sec. 1, Ch. 643, L. 1979; amd. Sec. 1, Ch. 338, L. 1981; amd. Sec. 1, Ch. 582, L. 1981; amd. Sec. 13, Ch. 575, L. 1981; amd. Sec. 1, Ch. 646, L. 1983; amd. Sec. 1, Ch. 399, L. 1987; amd. Sec. 5, Ch. 83, L. 1989; amd. Sec. 1, Ch. 207, L. 1989; amd. Sec. 1, Ch. 561, L. 1991; amd. Sec. 1, Ch. 439, L. 1997.

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2-18-502. Computation of meal allowance. (1) Except as provided in subsections (2) and (4), an employee is eligible for the meal allowance provided in 2-18-501, only if the employee is in a travel status for more than 3 continuous hours during the following hours:

- (a) for the morning meal allowance, between the hours of 12:01 a.m. and 10 a.m.;
- (b) for the midday meal allowance, between the hours of 10:01 a.m. and 3 p.m.; and
- (c) for the evening meal allowance, between the hours of 3:01 p.m. and 12 midnight.

(2) An eligible employee may receive:

(a) only one of the three meal allowances provided, if the travel was performed within the employee's assigned travel shift; or

(b) a maximum of two meal allowances if the travel begins before or was completed after the employee's assigned travel shift and the travel did not exceed 24 hours.

(3) "Travel shift" is that period of time beginning 1 hour before and terminating 1 hour after the employee's normally assigned work shift.

(4) An appointed member of a state board, commission, or council or a member of a legislative subcommittee or select or interim committee is entitled to a midday meal allowance on a day the individual is attending a meeting of the board, commission, council, or committee, regardless of proximity of the meeting place to the individual's residence or headquarters. This subsection does not apply to a member of a legislative committee during a legislative session.

(5) The department of administration shall prescribe policies necessary to effectively administer this section for state government.

History: En. Sec. 3, Ch. 66, L. 1955; amd. Sec. 4, Ch. 495, L. 1973; amd. Sec. 1, Ch. 213, L. 1974; amd. Sec. 2, Ch. 439, L. 1975; amd. Sec. 2, Ch. 483, L. 1977; R.C.M. 1947, 59-539; amd. Sec. 1, Ch. 123, L. 1983; amd. Sec. 2, Ch. 439, L. 1997.

Provided by Montana Legislative Services